

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

IPW DAC

TRANSMITTAL  
FORMAUG 05 2004  
U.S. PATENT & TRADEMARK OFFICE

(to be used for all correspondence after initial filing)

Application Number	10/627,588
Filing Date	July 25, 2003
First Named Inventor	Laurence C. Eisenlohr
Art Unit	1645
Examiner Name	To be assigned
Total Number of Pages in This Submission	003252-53311-C

## ENCLOSURES (Check all that apply)

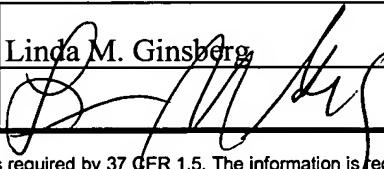
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See the attached additional enclosures
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		
The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment to the Nixon Peabody LLP Deposit Account No. 50-0850.		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David S. Resnick (34,235)/Leena H. Karttunen 10.9(b) Nixon Peabody LLP, 100 Summer Street, Boston, MA 02110
Signature	
Date	August 3, 2004

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. Washington, DC 20231 on this date:

Typed or printed name	Linda M. Ginsberg		
Signature		Date	August 3, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Practitioner's Docket No. 003252-53311-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Eisenlohr et al.  
Application No.: 10/627,588 Group No.: 1645  
Filed: 07/25/2003 Examiner: To be assigned  
For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN  
VIVO

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)**

I hereby certify that this correspondence:

1. Certificate of Mailing (1 pg.);
2. COPY – Certificate of Limited Recognition (1 pg.);
3. Transmittal Form (2 pp.);
4. Petition to Correct Correspondence Filing Date for “Date-In” Incorrectly Entered or Omitted on Express Mail Label (2 pp.);
5. COPY – Express Mail Label EL 948181482 US (1 pg.);
6. COPY – Express Mail Certificate dated July 25, 2003 (1 pg.);
7. COPY – Return Receipt Postcard (1 pg.);
8. COPY – Express Mail EL 948181482 US Delivery Notice from U.S. Postal Service (1 pg.);  
and
9. Return Receipt Postcard.

is on the date shown below being:

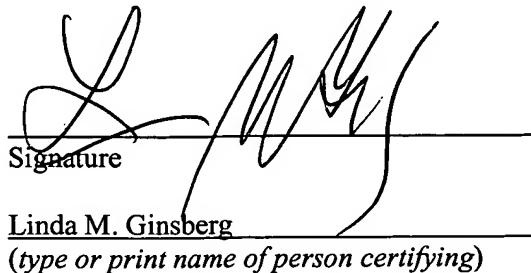
**MAILING**

deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Date: August 3, 2004

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

  
Signature  
Linda M. Ginsberg  
(type or print name of person certifying)



<b>TRANSMITTAL FORM (PTO/SB/21)</b>	
<b>ADDITIONAL ENCLOSURES</b>	Application Number 10/627,588
	Filing Date July 25, 2003
	First Named Inventor Laurence C. Eisenlohr
	Art Unit 1645
	Examiner Name To be assigned
	Attorney Docket Number 003252-53311-C

Certificate of Mailing

COPY - Certificate of Limited Recognition

COPY- Express Mail Label EL 948181482 US

COPY - Express Mail Certificate dated July 25, 2003

COPY - Express Mail EL 948181482 US Delivery Notice from U.S.P.S

COPY - Return Receipt Postcard

Return Receipt Postcard



Practitioner's Docket No. 003252-053311-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here application of: Laurence C. Eisenlohr and Michael T. Howard

Application No.: 10/627,588

Group No.: 1645

Filed: 07/28/03

Examiner: To be assigned

For: METHOD FOR ASSESSING RECORDING IN VITRO AND IN VIVO

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

ATTN: OFFICE OF PETITIONS

PETITION TO CORRECT CORRESPONDENCE FILING DATE  
FOR "DATE-IN" INCORRECTLY ENTERED OR OMITTED  
ON EXPRESS MAIL LABEL  
(37 C.F.R. § 1.10(d))

1. In response to Request of Corrected Filing receipt, applicants herewith submit request that the filing date of the above-identified application be corrected. The application was filed July 25, 2003. The PTO erroneously entered filing date appearing on the Filing Receipt of this application as July 28, 2003. Thus the filing date should be corrected to July 25, 2004.
2. The present petition is filed in a timely manner after applicants became aware of the error as stated in further detail below. Upon receipt of the return receipt post card bearing an erroneous filing date on August 6, 2003, applicants called the Office of Initial Patent Examination on August 18, 2003 regarding the error, and were instructed to submit a Request for Corrected Filing Date by faxing the Request and a copy of the express mail label by faxing them to 703-746-9195. Applicants submitted the request via facsimile on August 18, 2003. Applicants received an updated Filing Receipt on March 29, 2003, which continued to carry the erroneous filing date. Consequently, Applicants promptly re-submitted the Request for corrected filing receipt on April 20, 2004, by faxing it to the

---

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 8/3/04

FACSIMILE

transmitted by facsimile to the Patent and Trademark Office, (703) \_\_\_\_\_.

Signature

Linda M. Girsberg  
(type or print name of person certifying)

number indicated above. Updated filing receipt again carrying the erroneous filing date and a Response to Request For Corrected Filing Date were mailed from the PTO on July 16, 2004 and received by the Applicant on July 19, 2004. In light of the above, the undersigned states that the present Petition is being filed promptly according to 37 C.F.R. § 1.10(d)(1).

3. The number of the "Express Mail" mailing label was placed on the papers that were submitted on July 25, 2003. Attached is a copy of the Certificate of Express Mail which lists materials filed on July 25, 2003, and which was mailed in an envelope carrying Express Mail Label No. EL 948181482 US. A copy of the Express Mail label is also attached. Attached is also a copy of the return receipt post card indicating that the materials were received by the PTO. The return receipt post card has incorrect "date in" stamp. The copies show that the original submission was mailed on July 25, 2003. 37 C.F.R. § 1.10(d)(2)
4. Correction is required because the wrong "Date-In" was entered by the U.S. PTO. The original Express Mail label was stamped on July 25, 2003.
5. The following establish the showing required by 37 C.F.R. § 1.10(d)(3):

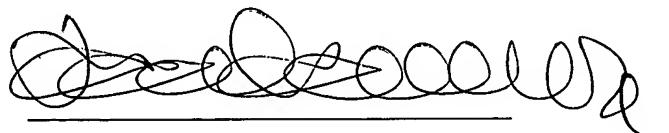
Evidence from the U.S. Postal Service as follows:

COPY – Express Mail Label EL 948181482 US showing the "date in" stamp of **July 25, 2003**;  
COPY – Express Mail EL 948181482 US Delivery Notice from the U.S. Postal Service indicating that the package was received by the U.S. PTO on July 28, 2004; and  
COPY – Express Mail Certificate showing the materials deposited in the envelope carrying the Express Mail Label No. EL 948181482 US

6. Applicants believe no fee is due. However, for any fee deficiencies associated with this Petition, please charge the Nixon Peabody LLP Deposit Account No. 50-0850.
7. Accordingly, applicants request that the "date in" in this application should be corrected to be July 25, 2004. Please contact the undersigned if further information is required.

Date:

August 3, 2004



David S. Resnick Reg. No. 34,235  
Leena H. Karttunen 37 CFR 10.9b  
Nixon Peabody LLP  
100 Summer Street  
Boston, MA 02110  
617-345-6057/1367



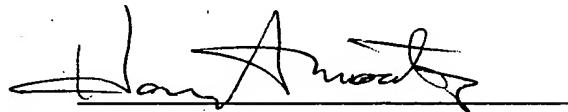
BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATES PATENT AND TRADEMARK OFFICE

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Leena H. Karttunen is hereby given limited recognition under 37 CFR § 10.9(b), as an employee of the law firm of Nixon Peabody LLP, to prepare and prosecute patent applications wherein the patent applicant is a client of the law firm of Nixon Peabody LLP, and a registered practitioner, who is a member of the law firm of Nixon Peabody LLP, is the practitioner of record in the applications. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Leena H. Karttunen ceases to lawfully reside in the United States, (ii) Leena H. Karttunen's employment with the law firm of Nixon Peabody LLP, ceases or is terminated, or (iii) Leena H. Karttunen ceases to remain or reside in the United States on an H-1B visa.

This document constitutes proof of such limited recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: June 14, 2005



\_\_\_\_\_  
Harry I. Moatz  
Director of Enrollment and Discipline

I certify that this document  
is a true copy of the original

8/3/04  
Date

Signature



COPY



POST OFFICE  
TO ADDRESSEE

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
	<input type="checkbox"/> Next <input type="checkbox"/> Second	<input type="checkbox"/>
Date In		Postage
Mo. Day Year	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$
Time In	Military	Return Receipt Fee
Weight	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
Ibs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery	Acceptance Clerk Initials	Total Postage & Fees
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$

CUSTOMER USE ONLY

METHOD OF PAYMENT: 022021

Express Mail Corporate Acct. No.

DELIVERY (POSTAL USE ONLY)		
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.		
NO DELIVERY: <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		Customer Signature

Federal Agency Acct. No. or

Postal Service Acct. No.

TO: (PLEASE PRINT)

PHONE \_\_\_\_\_

MAIL STOP PATENT APPLICATION  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

FROM: (PLEASE PRINT) PHONE 617 345-6057

✓ NIXON PEABODY LLP  
101 FEDERAL ST. FL 13  
12TH & 13TH FLOORS  
BOSTON MA 02110-1832

NP Ref. No. 003252-053311-C

www.usps.com



PRESS HARD.

FOR PICKUP OR TRACKING CALL 1-800-222-1811

www.usps.com



POST OFFICE  
TO ADDRESSEE

UNITED STATES POSTAL SERVICE®

ORIGIN (POSTAL USE ONLY)

PO ZIP Code	Day of Delivery	Flat Rate Envelope
02705	<input type="checkbox"/> Next <input type="checkbox"/> Second	<input type="checkbox"/>
Date In		Postage
7 31 03	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	\$ 17.95
Time In	Military	Return Receipt Fee
Weight	<input type="checkbox"/> AM <input type="checkbox"/> PM	<input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day
Ibs. ozs.	Int'l Alpha Country Code	COD Fee Insurance Fee
No Delivery	Acceptance Clerk Initials	Total Postage & Fees
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		\$ 17.95

CUSTOMER USE ONLY

METHOD OF PAYMENT: 022021

Express Mail Corporate Acct. No.

Federal Agency Acct. No. or  
Postal Service Acct. No.

TO: (PLEASE PRINT)

PHONE \_\_\_\_\_

SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE

FROM: (PLEASE PRINT) PHONE 617 345-6057

✓ NIXON PEABODY LLP  
101 FEDERAL ST. FL 13  
12TH & 13TH FLOORS  
BOSTON MA 02110-1832

NP Ref. No. 003252-053311-C

WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent. If delivery employee judges that article can be left in secure location and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY:  Weekend  Holiday

Customer Signature \_\_\_\_\_

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



Mailing Label  
Label 11-F August 2000

Customer Copy  
Label 11-F August 2000



**COPY**

**PATENT**

Practitioner's Docket No. 003252-053311-C



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Re application of: Eisenlohr, et al.  
Application No.: To be assigned (Cont. of 09/981,393) Group No.: To be assigned (1636)  
Filed: Herewith (October 16, 2001) Examiner: To be assigned (Qian, Celine X.)  
For: NOVEL METHOD FOR ASSESSING RECODING IN VITRO AND IN  
VIVO

**MAIL STOP PATENT APPLICATION**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**EXPRESS MAIL CERTIFICATE**

"Express Mail" Label Number: EL 948181482 US

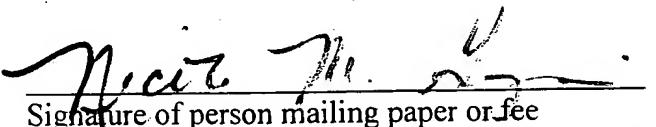
Date of Deposit: July 25, 2003

I hereby state that the following *attached* papers and fees:

1. Continuation Patent Application Transmittal (1 pg.);
2. Application (49 pp.): Specification – 34 pp.; Claims 3 pp.; Abstract – 1 pg.; Figure – 8 sheet; Application Data Sheet – 3 pp.;
3. Sequence Listing – Paper Copy (3 pp.);
4. Copy – Declaration – Executed by L.C. Eisenlohr and M.T. Howard (2 pp.);
5. Copy – Power of Attorney Filing (18 pp.);
6. Copy – Petition for Extension of Time Filing in Parent
7. Return Receipt Postcard;

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. section 1.10, on the date indicated above and is addressed to MAIL STOP PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Nicole M. Gignac

  
Signature of person mailing paper or fee

I certify that this document  
is a true copy of the original

  
Signature  
Date 08/31/04

**COPY**

Mailing Date: 25 July 2003  
Client: Thomas Jefferson University  
Inventors: L.C. Eisenlohr et al.  
Serial No.: To be assigned (Cont. of 09/981,393)  
Filing Date: Herewith

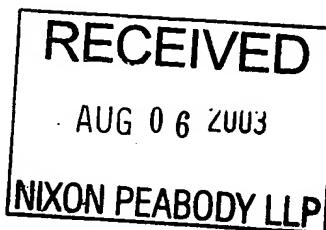
Attorney/Sec: DSR/LK/nmg  
Docket No.: 003252-053311-C

The dating stamp of the Patent and Trademark Office hereon will be taken as the date of filing of:  
The following items were filed on 07/28/03:

1. Continuation Patent Application Transmittal (1 pg.);
2. Application (49 pp.): Specification - 34 pp.; Claims 3 pp.; Abstract 1 pg.; Figures - 8 sheets; Application Data Sheet 3 pp.;
3. Copy - Declaration - Executed by L.C. Eisenlohr and M.T. Howard (2 pp.);
4. Copy - Power of Attorney Filing (18 pp.);
5. Copy - Petition for Extension of Time Filing in Parent ( pp.);
6. Express Mail Certificate - Label No. EL9481482 US (1 pg.);
7. Return Receipt Post Card.
8. Sequence Listing - Paper Copy - 3 pp.

Due Date:

19704 U.S. PTO  
10/627588  
07/28/03



I certify that this document  
is a true copy of the original

*Connie L. Knapp* 8/13/04  
Signature Date

**COPY**

**UNITED STATES  
POSTAL SERVICE™**

Date: 08/02/2004

Fax Transmission To: LEENA KARTTUNEN  
Fax Number: 617-345-1300

Dear LEENA KARTTUNEN:

The following is in response to your 08/02/2004 request for delivery information on your Express Mail item number EL948181482US. The delivery record shows that this item was delivered on 07/28/2003 at 09:05 AM in ALEXANDRIA, VA 22313 to J STECKEL. The scanned image of the recipient information is provided below.

Signature of Recipient:

Two handwritten signatures of "James Steckel" are shown, one above the other, enclosed in a rectangular box. The top signature is slightly larger and more formal, while the bottom one is smaller and more cursive.

Address of Recipient:

Handwritten text "Patent Mail" is enclosed in a rectangular box.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service